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Letter dated 29 March 2000 from the Chargé d'affaires a.i. of the Permanent Mission of Bulgaria to the United Nations addressed to the President of the Security Council

In connection with the ongoing debate in the Security Council on the report of the Panel of Experts on violations of Security Council sanctions against UNITA (S/2000/203) of 10 March 2000, I have the honour, acting upon instructions, to present the following information and views of my Government on that report, as contained in the annex to this letter.

I should be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Vladimir **Sotirov**
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Annex

Views of the Government of Bulgaria on the report of the Panel of Experts

The Bulgarian Government welcomes the report of the Expert Panel concerning the alleged violations of Security Council measures imposed against the Angolan rebel group, UNITA. We recognize that the fulfilment of the Panel's mandate, as defined, will help the international community to ensure that the sanctions become an effective tool for reducing UNITA's capacity to wage war. At the same time, Bulgaria categorically rejects as absolutely groundless and unacceptable allegations contained in the report of possible violations by Bulgaria of Security Council sanctions against UNITA. It is our understanding that the report does not and could not contain even a single concrete piece of evidence linking Bulgaria as a State or as State policy with violations of Security Council resolutions or of internationally recognized standards and norms of arms control regimes.

The Republic of Bulgaria fully supports and abides by the Security Council resolutions on Angola and the imposed sanctions on UNITA. The Bulgarian Government has always been in favour of measures that can lead to a lasting settlement of the conflict in Angola. Bulgaria has a very good record on sanctions compliance even when such compliance has had a very adverse effect on the Bulgarian economy, as in the cases of Iraq and the former Yugoslavia.

Internally, Bulgaria has been applying most stringent control of its foreign arms trade in accordance with the Law on Foreign Trade Arms Transactions, adopted by Parliament in 1995. Each foreign transaction in arms or dual-use goods and technologies is considered and approved on an individual basis after a meticulous review of all documents. This legally binding procedure is strictly observed. Currently, an amendment to the legislation in force is on the high priority agenda of the Government and Parliament for the first half of this year. The amendment is intended to introduce an even stricter mechanism for control and implementation of imposed international restrictions in arms trade with regard to specific countries and regions.

We share the belief that effective international control over arms transactions and the export of arms is required and the Republic of Bulgaria has always played a substantive role in the efforts of the international community in this field. Since 1998 Bulgaria has adhered to the European Union's Code of Conduct on Arms Trade, as well as to all European Union declarations and decisions concerning sanctions and transactions in arms.

Bulgaria spares no effort to enhance international cooperation on this issue. On the initiative of the Bulgarian Government a Regional Conference on Export Controls was held in Sofia in December 1999 under the auspices of the Stability Pact for South-Eastern Europe. The Conference adopted two important documents — a Joint Declaration on Responsible Arms Transfers and a Statement on the Harmonization of End-User Certificates. The 12 participating countries agreed on a number of concrete measures to combat illicit arms trafficking in the region, thus contributing to the fulfilment of the common goal of the international community in this field.

The Bulgarian Government has always shown its support and readiness to fully cooperate with and assist the sanctions Committee and the Panel of Experts established to investigate violations of sanctions against UNITA. Maximum assistance was provided to the work of the Expert Panel, chaired by Ambassador Möllander. During the Panel's visit to Bulgaria in January, meetings were organized at various Ministries as well as at the Interdepartmental Council at the Council of Ministers, which is the sole Bulgarian body authorized to issue licences for arms trading. Comprehensive and substantial written information was provided including answers to additional inquiries, which were submitted to the Panel on 11 February 2000.

While commendable as an overall initiative, the report contains, both in substance and methods used, the following serious flaws in the paragraphs relating to Bulgaria:

Bulgaria is named as a State which has provided UNITA with arms, despite the fact that in the report there is not a single credible fact supporting this allegation. In paragraph 15 of the report the experts themselves admit that "arms procurement by UNITA was not by means of direct contact between UNITA and arms producing countries".

The report fails to make the important distinction between a country or party which is directly responsible as a supplier of arms to UNITA, and countries which are merely the "source", i.e., where the arms had been produced.

Regrettably, the fact that Bulgaria was one of the few countries to fully cooperate with the experts and provide written replies has been used in some instances against us. Furthermore, we were surprised to observe how selectively the reported information was used in quotations so that "plausible" pieces be singled out to "fit" the Panel's presumed conclusions. For example, the assumption that permits had been granted for arms exports to Togo is used to give credibility to a groundless accusation that Bulgaria shows no respect "where those arms would actually end up" (para. 51). No mention is made of the fact that Togo is not subjected to any United Nations or European Union arms embargo and, above all, that the transactions were approved in accordance with enforced legal provisions and on the basis of genuine end-user certificates, provided by the Ministry of Defence of Togo.

The above-mentioned technique is again used to make the allegation that Bulgaria was somehow involved in the training of UNITA's military. Pointing out that in its written replies Bulgaria had informed that in 1996 it carried out training of 40 Zairian officers at the Military School in Shoumen, in accordance with a bilateral agreement officially signed between the two Ministries of Defence, at a time when no restrictions applied for military cooperations of this type, the report makes the strange conclusion that those might have been UNITA personnel disguised as Zairians. There is neither mention of any evidence corroborating this assumption, apart from speculation, nor of any investigation of this allegation through the former Zairian military authorities who had officially signed this agreement and were responsible for the selection of their personnel.

In view of those facts, we came to the sad observation that a State which extended its full support and assistance to a monitoring body is somehow placed in a disadvantageous position through the distortion and misinterpretation of the information it submitted, whatever the reasons for such handling of the facts are.

Such an approach is totally unacceptable and harmful to the effectiveness of the monitoring of the implementation of Security Council resolutions. It could only discourage the willingness and increase the cautiousness of the respective Governments with regard to the activities of the expert bodies. These bodies should pursue their mandates on the grounds of objectivity, impartiality and non-selectivity and should base their findings and recommendations on sound legal and factual evidence.

The report also includes a rather strange allegation in paragraph 38, where the correctness of the written reply of the Bulgarian authorities is put in doubt by the Panel, although it concedes that it was not "in a position independently to confirm" those doubts. The case concerns a concrete arms deal proposed by the United States company Milteks, which was cancelled by the Bulgarian authorities when false end-user certificates were discovered. The equipment concerned was never exported and can still be found and verified at the storage premises of the Ministry of Defence. The approach in this particular case raises serious doubts about the credibility of the sources of information used in at least some parts of the report and fully contradicts the evidentiary standards said to be applicable to all information collected by the Panel (see para. 11).

It is surprising and needs further explanation on the part of the authors of the report that the credibility of Bulgaria is questioned on points where it has denied any breach of imposed sanctions, while at the same time countries which have not provided on time or never submitted such information are found not involved or are ignored in the Panel's findings.

We are of the view that the "confessions" of defectors or captured UNITA fighters should not have been given credibility in the report, unless they were supported by other substantive evidence. In this regard, it seems the allegations implicating Bulgaria are based entirely on the confessions of defectors like General Bandua, an unnamed "director of the control tower of Andulo airport" and the interrogation of a captured UNITA officer who recollects that "boxes of ammunition and other material delivered to Andulo had Bulgarian markings".

Despite its clear-cut position on the matter, the Bulgarian Government has decided, as was stated in the note verbale of the Permanent Mission of Bulgaria of 22 March 2000 (S/2000/240), to thoroughly investigate all the accusations contained in the report. To this end on 15 March 2000 a Special Commission, chaired by the Bulgarian Minister for Justice, was established to study the charges and come up with specific conclusions.

In conclusion, having taken due note of the Belgian proposal (see S/2000/228 of 20 March 2000) that given the forthcoming debate in the Security Council the report be appropriately supplemented, the Bulgarian Government would like to request that the relevant paragraphs pertaining to Bulgaria be reviewed and amended on the grounds of the irrefutable facts and sound arguments thus presented. We are of the view that the report will only benefit from such an approach.

The Bulgarian Government reiterates its willingness to cooperate fully with the Security Council and its subsidiary bodies for the cause of reconciliation and lasting peace in Angola.